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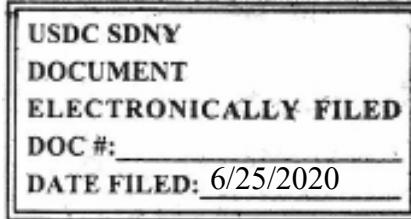
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June 23, 2020



Honorable Alison J. Nathan
United States District Court
40 Foley Square
New York, NY 10007

Re: Tancredi, Joann v. The Rector Church-Wardens, et al
Case No.: 1:18-cv-06394-AJN-SN
D/A: 8/17/17
Our File No.: 626038 (K)

Honorable Judge Nathan:

Please be advised that we represent the third-party defendant, First Quality Maintenance II, LLC, in connection with the above-referenced matter. Pursuant to a Scheduling Order dated March 31, 2020, the parties were instructed to complete all fact related and expert discovery by June 15, 2020. A scheduling conference is set for June 26, 2020 at 3:15 p.m. However, certain discovery activities remain outstanding and delays have been encountered due to the current health crisis.

Specifically, the parties continue to search for records related to testimony provided by the witnesses at prior depositions, as well as the continued exchange of medical records and films. And, an issue has arisen regarding defendants/third-party plaintiffs' request for a second deposition of First Quality Maintenance, in this instance by its employee, Ronald Charles. In this regard, a Notice of Deposition Upon Oral Examination dated March 16, 2020 was apparently

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prepared but was never received by First Quality Maintenance nor was it filed with the Court, assuredly due to the closures related to the pandemic.

It is third-party defendant First Quality Maintenance's position that it has already produced a witness with knowledge of its responsibilities at the involved premises. It is defendants/third-party plaintiffs' position that Mr. Charles was an Engineer at the premises on and prior to the date of the alleged accident and that his name appears in a log referencing sidewalk repairs, responsibility for which is a central issue in the case. The parties seek the Court's directive as to whether or not the deposition of Mr. Charles is to be held.

Though discovery may be outstanding, all parties are making a persistent effort to conduct and complete discovery.

Pursuant to Section 1(C) of Your Honor's Individual Rules of Practice, we are respectfully requesting an extension of the deadline to complete all Fact and Expert Discovery through September 30, 2020.

We also request that the Court's Scheduling Conference currently to be held on June 26, 2020 at 3:15 p.m. be rescheduled to allow the parties time to complete the remaining items of discovery.

We appreciate Your Honor's time and consideration in this matter, and should the Court require any further information, we are available at the Court's convenience.

Respectfully submitted,

PERRY, VAN ETEN, ROZANSKI
& KUTNER, LLP

BY: Kenneth J. Kutner
KENNETH J. KUTNER
A Member of the Firm
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cc. **Via ECF**
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Attention: Robert J. DeGroot, Esq.

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cc. McCarthy & ASSOCIATES
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Attention: Michael Kern, Esq,

The case management conference is hereby adjourned *sine die*. The discovery dispute and extension request raised in this letter should be directed to Judge Netburn, to whom this case is referred to for general pre-trial matters.

SO ORDERED.

SO ORDERED. 6/25/20



Alison J. Nathan, U.S.D.J.